REMARKS/ ARGUMENTS

Favorable reconsideration of this application is requested in view of the Statement above and the remarks which follow.

Disposition of Claims

Claims 9-15 and 26-31 are pending in this application.

Rejections under 35 U.S.C. §103

1. Claims 9-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,384,971 (Faris) in view of U.S. Patent No. 6,375,870 (Visovsky et al.) and U.S. Patent No. 6,532,111 (Kurtz et al.). Reconsideration of this rejection is respectfully requested.

Under 35 U.S.C. §103(c), for applications filed after November 29, 1999, a reference is disqualified as prior art against the claims of an application if (1) the reference only qualifies as prior art under 35 U.S.C. §102(e), (2) the reference is used in an obviousness rejection under 35 U.S.C §103(a), and (3) proper evidence is filed that the reference is commonly owned with the application. According to MPEP 706.02(l)(2), such proper evidence can be satisfied by a statement of common ownership alone.

The instant application was filed on June 19, 2001, which is after November 29, 1999. The Visovsky et al. patent only qualifies as prior art against the claimed invention under 35 U.S.C. §102(e) and is used in an obviousness rejection. As stated on page 2 of this paper, the instant application and the Visovsky et al. patent were commonly owned, or under an obligation of assignment to, Corning Incorporated at the time the invention described in the instant application was made. Having satisfied the requirements above, the Visovsky et al. patent is disqualified as prior art against the claimed invention under 35 U.S.C. §103(c).

With regard to the other cited references, the Examiner already admits that the Faris patent does not teach several of the limitations recited in claims 9-12. For example, Faris does not teach bringing a mold with a wire grid pattern in contact with the resist film and compressing

the mold and resist film together so as to emboss the wire grid pattern in the resist film. Instead, the Faris patent teaches patterning polymer polarization film, e.g., polyvinyl alcohol, which is not a wire grid material, by photolithography. In contrast, claims 9-12 recite a method of fabricating a wire grid polarizer by embossing a wire grid pattern in a resist film deposited on a wire grid material that is designed to suppress reflection of rejected polarization.

The Kurtz et al. patent does not disclose additional material that could overcome the deficiencies in the Faris patent. Therefore, the combination of the Faris patent with the Kurtz et al. patent cannot render claims 9-12 obvious. Withdrawal of the rejection of claims 9-12 is respectfully requested.

2. Claims 26-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,757,538 (Siroki) in view of Faris, Visovsky et al., and Kurtz et al. Reconsideration of this rejection is respectfully requested.

Since this is an obviousness rejection, the Visovsky et al. patent is disqualified as prior art against the claimed invention under 35 U.S.C. §103(c) as previously discussed. With regard to the other cited references, the Examiner already admits that the Siroki patent does not teach several of the limitations recited in claims 26-29. The Faris and Kurtz et al. patents, which have already been discussed above, also fail to overcome the deficiencies in the Siroki patent. Therefore, claims 26-29 are not rendered obvious over the combination of the Faris, Kurtz et al., and Siroki patents. Withdrawal of the rejection of claims 26-29 over these references is respectfully requested.

3. Claims 13 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Faris in view of Visovsky et al. and Kurtz et al., as applied above to claims 12 and 29, and further in view of U.S. Patent No. 5,603,871 (Koseko et al.). Reconsideration of this rejection is respectfully requested.

Since this is an obviousness rejection, the Visovsky et al. patent is disqualified as prior art against the claimed invention under 35 U.S.C. §103(c) as previously discussed. Claims 13 and 30 depend from claims 9 and 26, respectively. Claims 9 and 26 have been shown to be unobvious over the combination of the Faris and Kurtz et al. patents in discussions above. The

Koseko et al. patent fails to disclose additional material that could make claims 9 and 26 obvious when combined with the teachings of the Faris and Kurtz et al. patents. Because claims 9 and 26 are not obvious over the combination of the Faris, Kurtz et al., and Koseko et al. patents, claims 13 and 30, which depend from claims 9 and 26, respectively, are also not obvious over the combination of these references. Withdrawal of the rejection of claims 13 and 30 is respectfully requested.

4. Claims 14 and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Faris in view of Visovsky et al. and Kurtz et al., as applied above to claims 12 and 29, and further in view of U.S. Patent No. 6,391,528 (Moshrefzadeh.). Reconsideration of this rejection is respectfully requested.

Since this is an obviousness rejection, the Visovsky et al. patent is disqualified as prior art against the claimed invention under 35 U.S.C. §103(c) as previously discussed. Claims 14 and 31 depend from claims 9 and 26, respectively, which have been shown to be unobvious over the combination of the Faris and Kurtz et al. patents in discussions above. The Moshrefzadeh patent fails to disclose additional material that could overcome the deficiencies in the Faris and Kurtz et al. patents. Therefore, claims 9 and 26 are not rendered obvious over the Faris patent in view of the Kurtz et al. and Moshrefzadeh patents. Claims 14 and 31, being dependent on claims 9 and 26, respectively, are likewise patentable in view of the foregoing arguments.

5. Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over Faris in view of Visovsky et al. and Kurtz et al., as applied to claim 9, and further in view of Siroki. Reconsideration of this rejection is respectfully requested.

Since this is an obviousness rejection, the Visovsky et al. patent is disqualified as prior art against the claimed invention under 35 U.S.C. §103(c) as previously discussed. As discussed above, claim 9 is not obvious over the combination of the Faris and Kurtz et al. patents. The Siroki patent also fails to overcome the deficiencies in the Faris and Kurtz et al. patents. Therefore, claim 9 is not rendered obvious over the Faris patent in view of the Kurtz et al. and Siroki patents. Claim 15, which depends from claim 19, is likewise patentable over these references. Withdrawal of the rejection of claim 15 is respectfully requested.

Conclusion

The rejected claims have been amended and/or shown to be allowable over the prior art. Applicants believe that this paper is fully responsive to each and every ground of rejection cited by the Examiner in the Office Action dated November 12, 2003, and respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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